

COMMONWEALTH OF KENTUCKY
CITY OF TAYLORSVILLE

ORDINANCE NO. 292

**AN ORDINANCE APPROVING THE REZONING OF
CERTAIN PROPERTY LOCATED IN
TAYLORSVILLE-SPENCER COUNTY, KENTUCKY
OWNED BY WALTER H. BURNS AND KAREN L.
BURNS, dba S & K AUTOMOTIVE.**

WHEREAS, the Taylorsville-Spencer County Joint Planning & Zoning Commission held a public hearing on December 2, 2004, recommending approving the application of Walter H. Burns and Karen L. Burns, dba S & K Towing for the storage of vehicles from B-1 to B-2 with binding elements in regard to the real estate located at 205 Jefferson Street, Taylorsville, Kentucky, as more particularly described in Deed Book 188, Pages 459-461, and,

WHEREAS, the City of Taylorsville, after conducting public hearings, denied the application, and,

WHEREAS, the applicant subsequently appealed the City's denial, and,

WHEREAS, the parties have subsequently come to an agreement.

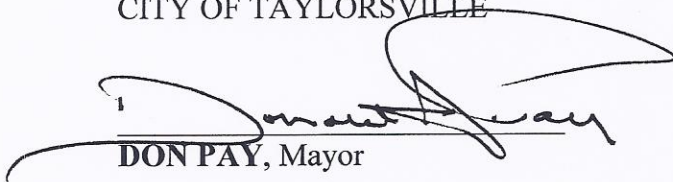
THEREFORE, BE IT ORDAINED BY THE CITY OF TAYLORSVILLE, the aforesaid property be and is hereby rezoned from B-1 to B-2 for the purposes setforth in the applicants application, subject to binding elements as setforth in a Settlement Agreement between the parties dated April 11, 2007, and incorporated by reference herein and which is on file at City Hall.

This Ordinance shall take effect from and after its passage and publication.

Passed and approved by the City of Taylorsville, Kentucky, on the 3rd day of July,
2007.

WITNESS our hands this the 17 day of July, 2007.

CITY OF TAYLORSVILLE


DON PAY, Mayor

ATTESTED BY:


STEPHEN A. BIVEN, City Clerk

First Reading
Second Reading
Published

June 5, 2007
July 3, 2007
July 25, 2007

SETTLEMENT AGREEMENT

Comes the City of Taylorsville, hereinafter referred to as the City, and Skip and Karen Burns, dba S&K Automotive Towing/Wrecker Service, hereinafter referred to as Burns, and for and in consideration of the City consenting to property owned by the Burns located in Taylorsville, Kentucky at the intersection of KY 55 South and Garrard Street to be rezoned from B-1 to B-2 for the temporary storage of towed vehicles and the possibility of light automobile repair work, IT IS AGREED AS FOLLOWS:

1. That Burns may have up to 8 junk, wrecked or disabled motor vehicles located on the outside lot, provided there is no room or the vehicle is too large to fit in either of the two buildings owned and operated by the Burns and said vehicles are kept out of sight behind a well constructed 7 foot wooden or vinyl privacy fence subject to the approval of the City.

2. The floor drain will be "capped" subject to the approval of the City.

3. The business will have a working and properly maintained bathroom.

4. The City will follow the State police and the Spencer County dispatch protocol regarding notification of wrecker service for the towing of vehicles.

5. In the event any other use is to be made of the real estate that is re-zoned to B-2, other than for the storage of wrecked or towed vehicles and light vehicle repair, by the Burns or any subsequent owners a new development plan will be submitted to the City and subject to the City's approval.

6. That paragraphs 1 and 5 will be binding elements to the zoning change.

7. That the Burns will dismiss their appeal of the City's denial of the B-2

zoning in Civil Action No. 05-CI-00021.

8. This agreement may be entered by either party in the Spencer Circuit Court.

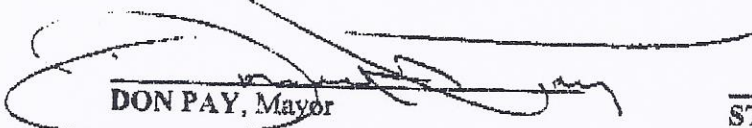
9. Time is of the essence in the performance of the terms and provisions contained herein.


10. That this agreement shall be binding on the parties hereto, their successors, heirs and assigns.

WITNESS our hands this the 11 day of April, 2007.

CITY OF TAYLORSVILLE, KENTUCKY

ATTESTED BY:


DON PAY, Mayor


STEVE BIVEN, City Clerk

S&K AUTOMOTIVE and Individually


SKIP BURNS


KAREN BURNS

1st
2nd
Pub.

6-5-07
7/3/07
7/25/07